CIVIL DOCKET UNITED STATES DISTRICT COURT

BARROW

Jury demand date:

TITLE OF CASE	ATTORNEYS
GULF REFINING COMPANY	For plaintiff: Warren M. Sparks , W. Bernard Fudg O. Gordon Oldham
VS	Charles R. Cleveland 587-212/
PETER KIEWIT SON'S COMPANY	P. O. Box 1589 Tulsa, Oklahoma 74102
	For defendant: Dale McDaniel Whitten and McDaniel 642 NWT Building 2626 & 21st Tulsa, Okla. 74103
	Whitten and McDaniel
	Tulsa Okla 74103
	74114

STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.	
J.S. 5 mailed 9-1-70	Clerk		1970 8-14	Oldham	15 00		
IO 6 mailed / 4 / 22	Marshal		28 - 72	C.D. No. 9 Warren Pet	5 00	15 00	
J.S. 6 mailed /-/-72		5	1-72	C.D.No.49		5 00	
Basis of Action: Money damage done on Pipeline	SDocket fee						
	Witness fees						
Action arose at:	Depositions						

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DATE	PROCEEDINGS	Date Order or Judgment Noted
8-14-70 8-20-70	Complaint, filed. Summons issued. Return on summons, filed. Served Peter Kiewt Sons Company by servin the Corp. Co., Service Agent, at Okla. City, Okla. on 8-18-70. (Fees: \$4.00)m	ზე
9-8-70	Defendant's motion for more definite statement and motion to strike, filed, b	
9-8-70	Defendant's brief in support of motion for more definite statement, filed. b	
9-8-70 9-8-70	Defendant's brief in support of motion to strike, filed. b Ordered by the Court that the plaintiff respond to the defendant's motion for more definite statement and motion to strike, with brief within 10 days from date. (Allen E. Barrow - Judge) b	•
9-16-70 9-16-70	Plaintiff's brief in opposition to defendant's motion for more def- inite statement, filed. ds Plaintiff's brief in opposition to defendant's motion to strike,	
3-10-10	filed, ds	
10-1-70	Order overruling Deft's motion for more definite statement and motion to strike and deft is ordered to file an answer in 10 days of this date. filed. (AEB-J)v	n
10-9-70 10-14-70	Answer filed by the Defendant, filed. v	
	Plaintiff's motion for partial summary judgment, filed.ds Plaintiff's brief in support of motion for partial summary judg-	
10-20-70	ment, filed. ds Ordered by the Court that defendants reply with brief to plaintiff motion for partial summary judgment within ten days of this date.	¦s (AEB-J) d
10-28-70 11-2-70	Response to plaintiff's motion for partial summary judgment, filed. Reply brief to defendant's response to plaintiff's motion for summary judgment, filed. b	ds
11-3-70	Defendant's response to plaintiff's reply brief, filed. g	
12-17-70 1-15-71 1-15-71 3-31-71	Defendant's Interrogatories, filed. v Plaintiff's answers to defendant's interrogatories, filed. b Plaintiff's supplemental interrogatories to the defendant, filed. Answer to plaintiff's supplemental interrogatories, filed. m	ф
4-23-71	Order overruling Plaintiff's Motion for partial Summary Judgment, Filed. (AEB-J)r	
6-18-71	Parties directed to hold pre-trial prior to 7-16-71 and file pre-tries order not later than 7-23-71. (AEB-J) v	ial
7-9-71 7-9-71	Deposition of Marvin Lee McCulley, filed. (Fee: \$19 pd by deft.)m Deposition of Billy Frank Springs, filed. (Fee: \$20 pd by pltf.)m	A.
7-12-71 7-26-71 7-26-71	Request for admissions, by Gulf Refining Co., Pltf. filed. ds Defendant's response to request for admissions, filed. v	
7-26-71	Application for additional time, filed. r Order granting application for addition time to and including 8-6-7 to file pre-trib Order, filed. r	7 100
8-18-71 9-3-71 9-13-71	Pre-trial Order , filed. (AEB-J) v Pltf's notice of taking depositions upon oral examination, filed. m Deft.'s Motion to strike Notice of taking Depositions upon oral	
9-13-71	w examination, filed. v Brief in support of Motion to strike taking of depositions, filed.v Order by the Court that Plaintiff is granted 10 days from this date respond to Deft.'s Motion to strike notice of taking depositions up oral examination. (AEB-J) v	to on
	Contac	

9-24-71 Deposition of R. E. Berry, taken by Hugh H. West, CSR, Anniston, Alabama, filed. ds 9-21-71 Brief in opposition to defendant's motion to strike notice of taking depositions upon oral examination, filed. ds 10-6-71 Brief in support of motion for leave to amend complaint, filed. v 10-6-71 Brief in support of motion for leave to amend complaint, filed. v 10-6-71 Brief in support of motion for leave to amend complaint. (AEB-J) v 10-6-71 Response to pltf's motion for leave to amend complaint. (AEB-J) v 10-8-71 Response to pltf's motion for leave to amend complaint. (AEB-J) v 10-9-71 Notice of filing depositions, filed. m 10-19-71 Notice of filing depositions, filed. m 10-19-71 Notice of filing depositions, filed. m 10-20-71 Denosition of walliam A. Burdette, filed. Taken on 9-15-7k at Houston, 10-20-71 Denosition of James W. Streft, filed. Taken on 9-15-7k at Houston, 10-20-71 Denosition of James W. Streft, filed. Taken on 9-15-7k at Houston, 10-28-71 Case set for non-jury trial November 1, 1971, st 10:00 a.ms (AEB-J)v 10-28-71 Order everwiling defendant's motion to strike notice of taking depositions of part of the strength of the strike strike of the strike strike of the strike of t	D. C. 110A Rev.	Civil Docket Continuation	⊕
Alabama, filed. ds Brief in opposition to defendant's motion to strike notice of taking depositions upon oral examination, filed. ds Motion of Plaintiff for leave to amend complaint, filed. v 10-6-71 10-6-71 10-6-71 10-6-71 10-6-71 10-6-71 10-6-71 10-6-71 10-8-71 by the Court that Deft. is granted 10 days from this date to respond to Pltf.'s Motion for leave to amend complaint. (AEB-J) v 10-8-71 Pre-trial order amendment, filed. (AEB-J)m 10-12-71 Response to pltf's motion for leave to amend complaint, filed. m 10-10-71 Notice of filing depositions, filed. m 10-20-71 Deposition of Millam A. Burdette, filed. Taken on 9-15-71, at Houston, Texas, by Dahl & Reed, CSR. ds 10-20-71 Deposition of James W. Streit, filed. Taken on 9-15-78 at Houston, Texas, by Dahl & Reed, CSR. ds 10-28-71 Case est for non-jury trial November 1, 1971, at 10:00 a.ms (AEB-J)v 10-28-71 Order overvaling defendant's motion to strike notice of taking depositions purpose to same of complaint, filed. (AEB-J)g 10-28-71 Case called for jury trial. Parties present and represented. Demand for jury trial filed in open court by defendant, and demand overvalled, and case passed for Non-Jury trial or macro, Plaintiff granted to 11-11-71 to submit do nepositions, briefs and testimony. Plaintiff granted to 11-11-71 to submit brief and der. granted 5 days to respond. (AEB-J)h 11-3-71 Case called for fury trial control of the stimony. Plaintiff granted to 11-11-71 to submit brief and der. granted 5 days to respond. (AEB-J)h 11-19-71 Findings of Fact, Conclusions of Law and Judgment filed and entered that judgment be entered in favor of defendant and sgainst pltf. (AEB-J) rm 12-27-71 Brief in support of Motion to Vacate Judgment, filed. rm 12-27-71 Brief in support of Motion to Vacate Judgment, filed. rm 12-27-71 Brief in Support of Response to Plf's Motion to vacate Judgment, round filed. (AEB-J) respond to pltf.'s Motion to Vacate Judgment, filed. rm 14-3-72 Order by the Court that def. is granted 10 days from this date to respond to pltf.'s Motion to Vaca	DATE	PROCEEDINGS	Date Order or Judgment Noted
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10-6-71 10-6-71 10-8-71 10-8-71 10-8-71 10-8-71 10-8-71 10-8-71 10-8-71 10-8-71 10-8-71 10-8-71 10-8-71 10-8-71 10-8-71 10-8-71 10-8-71 10-8-71 10-8-71 10-8-71 10-12-72 10-12	9-21-71		
Order by the Court that Deft. is granted 10 days from this date to respond to Pitf.'s Motion for leave to amend complaint. (AEB-J) v 10-8-71 Response to Pitf's Motion for leave to amend complaint, filed. m 10-12-71 Response to Pitf's Motion for leave to amend complaint, filed. m 10-20-71 Deposition of William A. Burdette, filed. Taken on 9-15-71, at Houston, Texas, by Dahl & Reed, CSR. ds 10-20-71 Case set for non-jury trial November 1, 1971, at 10:00 a.ms (AEB-J)v 10-26-71 Order overvuling defendant's motion to strike notice of taking depositions upon oral examination, filed. (AEB-J)g 11-1-71 Case called for jury trial. Parties present and represented. Demand for jury trial filed in open court by defendant, and demand overruled, and case passed for Non-Jury trial or Parties present and represented. Case submitted on depositions, briefs and testimony. Flaintiff granted to 11-11-71 to submit brief and def. granted 5 days to respond. (AEB-J)h 11-19-71 Response to plaintiff's case brief, filed. m 11-19-71 Plaintiff's case brief, filed. m 11-19-71 Plaintiff's case brief, filed. m 11-19-71 Plaintiff's case brief, filed. m 12-27-71 Motion to Vacate Judgment by pltf', filed. rm 12-27-71 Brief in support of Motion to Vacate Judgment, filed. rm 12-27-71 Brief in support of Motion to Vacate Judgment, filed. rm 12-27-71 Brief in support of Motion to Vacate Judgment, filed. rm 13-72 Order overruling plaintiff's motion to vacate Judgment, filed. rm 13-73-72 Order by the Court that def. is granted 10 days from this date to respond to pltf.'s Motion to Vacate Judgment, filed. rm 13-72 Order by the Court that def. is granted 10 days from this date to respond to pltf.'s Motion to Vacate Judgment, filed. rm 13-73 Order overruling plaintiff's motion to vacate Judgment, filed. REB-J) m 13-14-72 Order by the Court that def. is granted 10 days from this date to respond to pltf.'s Motion to Vacate Judgment, filed. REB-J) deft. Response to Motion to Vacate Judgment, filed. REB-J) deft. Response to Motion to Vacate Judgment, filed. REB	10-6-71		
respond to Pitf,'s Motion for leave to amend complaint. (AEB-J) v 10-12-71 Response to pitf's motion for leave to amend complaint. filed. m 10-19-71 Notice of filing depositions, filed. m 10-20-71 Deposition of William A. Burdette, filed. Taken on 9-15-71, at Houston, Texas, by Dahl & Reed, CSR. ds 10-20-71 Deposition of Junes W. Strett, filed. Taken on 9-15-7k at Houston, Texas, by Dahl & Reed, CSR. ds 10-22-71 Case set for non-jury trial November 1, 1971, at 10:00 a.ms (AEB-J)v 10-28-71 Order overruling defendant's motion to strike notice of taking depositions at the suppon oral examination, filed. (AEB-J)g 10-28-71 Order overruling defendant's motion to strike notice of taking depositions purpor oral examination, filed. (AEB-J)g 11-1-71 Case called for jury trial. Parties present and represented. Demand for jury trial filed in open court by defendant, filed. (AEB-J)g 11-3-71 Case called for Non-Jury trial. Parties present and represented. Gase submitted on depositions, briefs and testimony. Plaintiff granted to to 11-11-71 to submit brief and def. granted 5 days to respond. (AEB-J)h 11-3-71 List of Witnesses filed by Charles R. Cleveland. h 11-13-71 Lit is ordered that parties granted 5 days within which to submit findings of Fact and Conclusions of Law (AEB-J) m 11-19-71 Lit is ordered that parties granted 5 days within which to submit findings of Fact and Conclusions of Law and Judgment filed and entered that judgment be entered in favor of defendant and against pltf. (AEB-J) rm 12-27-71 Motion to Vacate Judgment by pltf., filed. rm 12-27-72 Brief in support of Motion to Vacate Judgment, filed. rm 12-27-73 Brief in support of Motion to Vacate Judgment, filed. rm 12-27-74 Motion to pltf.'s Motion to vacate Judgment, filed. rm 13-78-79 Corder by the Court that def. is granted 10 days from this date to respond to pltf.'s Motion to vacate Judgment, filed. rm 13-79 Defts' Response to Motion to vacate Judgment, filed. rm 13-17-17 Defining filed and plaintiff's motion to vacate Judgment, filed. (AEB-J) days from		Brief in support of motion for leave to amend complaint, filed. v	
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10-28-71 10-28-71 10-28-71 11-1-71 11-1-71 11-1-71 11-1-71 11-1-71 11-3-72 11-3-73 11-3-73 11-3-75 11-	•	Texas, by Dahl & Reed, CSR. ds	
sitions upon oral examination, filed. (AEB-J)g Order granting plaintiff leave to amend complaint, filed. (AEB-J)g 11-1-71 Case called for jury trial. Parties present and represented. Demand for jury trial filed in open court by defendant, and demand overruled, and case passed for Non-Jury trial on """ of Nov. \$3, 1971 at 10:00am (AEB-J) Case called for Non-Jury trial. Parties present and represented. Case submitted on depositions, briefs and testimony. Plaintiff granted to 11-11-71 to submit brief and def. granted 5 days to respond. (AEE-J)h 11-13-71 List of Witnesses filed by Charles R. Cleveland. h 11-16-71 Response to plaintiff's case brief, filed. m 11-19-71 It is ordered that parties granted 5 days within which to submit Findings of Fact and Conclusions of Law. (AEB-J)h 11-24-71 Pltf's proposed F/F & C/L, filed. m 12-27-71 Prindings of Fact, Conclusions of Law and Judgment filed and entered that judgment be entered in favor of defendant and against pltf. (AEB-J) rm 12-27-71 Drider by the Court that def. is granted 10 days from this date to respond to pltf.'s Motion to Vacate Judgment. filed. rm 12-27-71 Drider overruling plaintiff's motion to vacate judgment. 4-3-72 4-38-72 4-28-72 5-10-72 Appeal Bond (\$250.00), Federal Ins. Co., surety), filed. (AEB-J) day Appeal Bond (\$250.00), Federal Ins. Co., surety), filed. g 5-26-72 Franscript of non-jury proceedings on 11-3-71 (orig. + file cpy), filed. (Larry Marks, CSR)g Plaintiff's interrogetories, filed. rm Supplemental record sent to USCA. g Mandate and opinion of USCA. g Mandate and opinion of USCA. loth Circuit, affirming judg. of 12/17/71, filed and spread of record. rm 3-26-73 Appeal record (Vol. 1 and Suppl. record) received from U.S.C.A. Vol. II.	TO-55-7T	Case set for non-jury trial November 1, 1971, at 10:00 a.m. (AEB-J)v	
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DATE					PROCEED	INGS					Date Order or Judgment Note
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